

HIE

4B11RE



United States Patent and Trademark Office

**Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office**
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300

Appeal No: 2005-1900
Appellant: GERD BRANDHORST et al.
Application No: 09/368,505
Hearing Room: A
Hearing Docket: B
Hearing Date: Tuesday, September 13, 2005
Hearing Time: 01:00 PM
Location: Madison Building - East Wing
600 Dulany Street, 9th Floor
Alexandria, Virginia 22313-1450

**NOTICE OF HEARING
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS**

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address: BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: ☒ HEARING ATTENDANCE CONFIRMED ☐ HEARING ATTENDANCE WAIVED

8/3/05 24392
Signature of Attorney/Agent/Appellant Date Registration No.

Names of other visitors expected to accompany counsel:

For information on visitor access to hearing rooms and activity procedures at the USPTO Alexandria Campus, see <http://www.uspto.gov/web/offices/tolaw/tpol/docs/visitorscontactinfo.htm>

P.O. Box 14300, Washington, DC 20044-7300 • p202 624-2500 • f202 628-8844

**FACSIMILE COVER PAGE**Date August 3, 2005To: U.S. Patent and Trademark OfficeFacsimile Telephone Number: 571-273-0299Total Number of Pages (Includes Cover Sheet): 7From: Herbert I. Cantor, Reg. No. 24,392Phone: 202-508-8902

Our Ref: 010746.48111RE

User ID: 1318Your Ref: US Appln No. 09/368,505Message: **COURTESY COPY**Hard Copy to Follow: ☐ Yes ☒ No

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM, OR ENTITY TO WHICH, IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone (collect), and return the original message to us at the address listed above via the U.S. Postal Service.

Thank You

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application No. : 09/368,505 Confirmation No.: 5618
Applicant : Gerd BRANDHORST et al
Filed : August 5, 1999 **APPEAL NO. 2005-1900**
TC/AU : 3754
Examiner : Philippe DERAKSHANI
Docket No. : 010746.48111RE
Customer No. : 23911
Title : DEVICE FOR EMPTYING A FILM TUBE

ADDENDUM TO CONFIRMATION OF HEARING

Commissioner for Patents
P.O. box 1460
Alexandria, VA 22313-1450

Sir:

This is supplemental to the Confirmation of Hearing filed herewith.

Request to Participate Telephonically

Counsel for Appellants elects to participate in the oral hearing telephonically. The Board is respectfully requested to provide appropriate instructions. Please send the instructions to the undersigned by fax at 202-628-8844.

Clarification

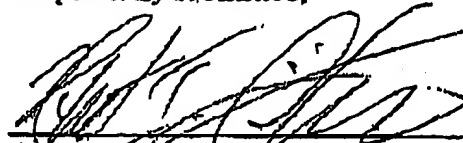
On October 8, 2003, Appellants filed a "Communication" asking the Board to remand

this case to the Examiner if the file had already been transmitted to the Board or, alternatively, asking the Examiner to reconsider the final rejection if the case had not yet been transmitted to the Board, in light of the then recently published decision and opinion in the case of *Ex parte Eggen*, 67 USPQ2d 1716 (BPAI 2003).

Since the Examiner did not comment on the Communication after the file had been lost in the PTO for some 2 ½ years, it is assumed that the paper did not make its way to the file. In order that the file be complete, a copy of the Communication (without enclosure) is submitted herewith along with a copy of the post card receipt.

Under the circumstances, and in order to expedite the appeal, the request for remand is hereby withdrawn.

Respectfully submitted,



Herbert L. Cantor
Registration No. 24,392

August 3, 2005

CROWELL & MORING LLP
P.O. Box 14300
Washington, D.C. 20044-4300
Tel.: 202-624-2605
Fax: 202-628-8844

HIC:moi